

Department of Legislative Services

Maryland General Assembly

2008 Session

FISCAL AND POLICY NOTE

Revised

House Bill 931

(Prince George's County Delegation and Montgomery County Delegation)

Environmental Matters

Education, Health, and Environmental Affairs

**Maryland-National Capital Park and Planning Commission - Montgomery County - Planning Board - Enforcement Powers
PG/MC 112-08**

This bill authorizes the Montgomery County Planning Board to appoint a hearing officer to conduct hearings concerning matters within the jurisdiction of the planning board, including subdivision regulations and zoning ordinances. The hearing officer may issue recommended decisions; administer oaths and affirmations; and compel the attendance and testimony of witnesses and the production of evidence. Compliance with the hearing officer's orders may be compelled by the Circuit Court for Montgomery County.

Fiscal Summary

State Effect: None.

Local Effect: Maryland-National Capital Park and Planning Commission expenditures could increase by \$32,500 in FY 2009 and by \$22,500 annually thereafter. Revenues would not be affected.

Small Business Effect: None.

Analysis

Current Law: The Maryland-Washington Regional District may authorize the Montgomery County Planning Board to impose civil monetary fines and penalties and, when the public health, safety, or welfare are threatened, issue stop work orders for a

violation of any subdivision regulation, zoning ordinance, law, regulation, or decision of the planning board. The planning board may prosecute, with counsel, any of these violations for which civil monetary fines or penalties are imposed.

Local Fiscal Effect: M-NCPPC indicates that one part-time contractual hearing officer would need to be hired at a cost of \$100 per hour. It is estimated that the planning board will refer three cases each year to the hearing officer, with the average duration for each hearing lasting 40 hours. Accordingly, the cost for the hearing officer would total approximately \$4,000 for each case for a total annual cost of \$12,000. In addition, the cost for hearing and translation services is estimated at \$3,000 for each case for a total annual cost of \$9,000. Other expenses include \$1,500 in annual rent for additional office space and \$10,000 for the one-time purchase and installation of information and technology products. As shown in **Exhibit 1**, M-NCPPC expenditures could increase by \$32,500 in fiscal 2009 and by \$22,500 on an annualized basis.

Legislative Services advises that the bill authorizes, but does not require, the appointment of a hearing officer; therefore, M-NCPPC expenditures may not increase.

Exhibit 1
Estimated Fiscal Impact of HB 931

	<u>Fiscal 2009</u>	<u>Annualized Basis</u>
Hearing Officer	\$12,000	\$12,000
Hearing and Translation Services	9,000	9,000
Office Space	1,500	1,500
Information/Technology Products	10,000	0
Total	\$32,500	\$22,500

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Montgomery County, Judiciary (Administrative Office of the Courts), Maryland-National Capital Park and Planning Commission, Department of Legislative Services

Fiscal Note History: First Reader - March 18, 2008
mcp/hlb Revised - House Third Reader - March 25, 2008

Analysis by: Evan M. Isaacson

Direct Inquiries to:
(410) 946-5510
(301) 970-5510